THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21916 OF 2005

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Dt:08.11.2005

Between:

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A.Balakrishna Reddy

… Petitioner

The District Collector and the Appellate Authority and another.

and

… Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21916 OF 2005

ORDER:

The petitioner was employed as a Secretary in Primary Agricultural Cooperative Society, Chejerla, Nellore District. Disciplinary proceedings were initiated against him by framing charges on 16.08.2004. An Enquiry Officer was appointed and a departmental enquiry was conducted. The charges levelled against the petitioner were held proved. On 03.08.2005, the petitioner was issued a show-cause notice.

He submitted his explanation on 17.08.2005. On a consideration of the same, the second respondent dismissed the petitioner from service through their proceedings, dated 21.09.2005. It was also directed that a sum of Rs.4,81,103/- be recovered from the petitioner and that criminal proceedings be initiated against him.

The petitioner filed an appeal before the first respondent on 04.10.2005 under Special Bylaw 12(3). His grievance is that the second respondent is likely to take steps for recovery of the amount and to prosecute him even while the appeal is pending and seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

The petitioner availed the remedy of appeal under the relevant Bylaws against the order of removal from service. Apart from directing removal of the petitioner, the second respondent directed recovery of amount and prosecution of the petitioner. The Rules are silent as to the powers of the appellate authority, to grant any interim orders. Normally, in the appeals against the orders of removal, there does not exist any occasion for passing interim orders. Where, however, certain other steps are also indicated, the rights of the parties are required to be protected.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that the petitioner shall not be subjected to any prosecution in any criminal Court on the basis of the order of removal till the disposal of the appeal by the first respondent. The appeal shall be disposed of, as early as possible, and not later than four months from the date of receipt of a copy of this order.

08.11.2005

Note: Issue C.C. in one week.

(B/o)

kdl